

The Salisbury Planning Board held its regular meeting on Tuesday, July 13, 2004, in the City Council Chamber of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

**PRESENT:** Len Clark, Brian Miller, Rodney Queen, Sandy Reitz, Jeff Smith, Valerie Stewart, Albert Stout, Rev. Jerry Wilkes, and Diane Young

**ABSENT:** Mitzi Clement, Dr. James Johnson, and Lou Manning

**STAFF:** Janet Gapen, Dan Mikkelson, Diana Moghrabi, Joe Morris, David Phillips, Harold Poole, and Patrick Ritchie

The meeting was called to order by Co-Chairman Rodney Queen. Mr. Queen opened the meeting with an invocation. The minutes of the June 22, 2004 meeting were approved as published.

### **ZONING MAP AMENDMENTS**

- (a) **Co-Chairman Queen** convened a Courtesy Hearing on Z-09-04. After reading the procedures of a Courtesy Hearing Mr. Queen removed himself from the Planning Board for this case due to a conflict of interest.

**Z-9-04** Rodney Queen – 602 Hawkinstown Road  
**LOCATION:** North side of Hawkinstown Road, 1400 feet east of Willow Drive  
**Size:** Approximately 8 acres  
**From:** R-6 Two-Family Residential  
**To:** R-6A Multi-Family Residential  
**Parcel:** Franklin Twp. tax map 324, parcel 82

**Janet Gapen** made a staff presentation pointing out the surrounding zoning, which is primarily R-6, some R-8 across the street (south side) and RDA. This property is located just outside the city limits, within the city's zoning jurisdiction. The principal development pattern in this vicinity is single family residential. The principal difference between R-6 zoning and R-6A zoning is that the R-6A zoning would allow multi-family dwelling units at a rate of up to 11 units per acre.

**Sandy Reitz** asked if NCDOT planned to pave Hawkinstown Road and Dan Mikkelson said they do plan to pave it.

Those speaking in favor of the zoning change request:

**Rodney Queen**, Polo Drive, stated that there will be no connecting street to Woodfield. The purpose for zoning "multi-family" is to build a retirement community on this property. The retirement community on Newsome Road has proven that there is a tremendous need for this type of community in Salisbury. The current zoning would allow approximately 23 duplexes (46 units) which could translate to approximately 142

bedrooms. This request is proposing approximately 70 units, would be single story, with 80% one bedroom, and 20% two-bedroom units.

He suggested rezoning this property to R-6A-S to limit this to a retirement community instead of duplexes.

Those speaking in opposition to the zoning change request:

**Elizabeth Fields**, 1009 Hawkinstown Road, stated that she and her husband have been residents at this address for over 30 years. This is a diverse community that has a long history. It is well established with long-term homeowners. This community enjoys the serenity of the neighborhood. The neighborhood is in close proximity to upscale developments. She is concerned about the possible impact apartments would have on the value of their homes. Mrs. Fields presented a petition against the development that included over 130 names. She requested the Planning Board deny this zoning request as it declined rezoning this property in 1986.

**Robert Reese**, 112 Hawkins Loop, said that this property is directly behind his property. Hawkinstown has a reputation for being a quiet community with very little, if any crime. He has been a resident for 31 years and his home was recently appraised for \$170,000-\$200,000. He wants to protect that value. He has concerns about the property remaining a retirement community in the future. Mr. Reese asked if this rezoning would not qualify as spot zoning. Mr. Poole explained that in North Carolina zoning in the same general category is not considered spot zoning. If this were a request for a commercial zone or an industrial zone the Board would look at this as spot zoning. Salisbury tries to be consistent with the courts of North Carolina.

**Parker Cristman**, 1006 Overhill Road (Woodfield neighborhood), agreed with Mrs. Fields and Mr. Reese. As a resident of Woodfield, which is bounded by Hawkinstown Road and Old Mocksville Road, he is against the rezoning of property from R-6 to R-6A in this area. He believes property in the area should remain single-family dwellings in order to remain consistent with the current composition of the community. He feels apartment dwellers would not show the pride of ownership that exists in that area now. He has discussed with Mr. Queen the development of a retirement community that includes single story buildings and an attractive common area that will provide safety and comfort for seniors. The development will have limited access. It seems appropriate for Mr. Queen to apply for special zoning specifically for the intended use. Once a specific and binding plan is submitted he believes that local residents will support the development. He also submitted a petition of 35 plus names.

**Robert Cocherl**, 502 Hawkinstown Road, and his wife have been residents there for 32 years. He agrees with the other residents and added his concerns with flooding in the area. When Woodfield was developed flooding began and costs to remedy the situation came out of the Hawkinstown residents' pockets. He fears problems of this nature will increase with more development as well as an increase in litter, traffic problems and

crime. This development is adjacent to his property and would directly affect him; therefore, he is adamantly opposed to the rezoning from R-6 to R-6A.

**Terrall Bryan**, 605 Hawkinstown Road, lives across the street from the proposed development. She is concerned about the traffic and safety in the area.

Co-chairman **Jeff Smith** closed the Courtesy Hearing on this case. He asked those in favor of the rezoning to stand and no one stood. When Mr. Smith asked those opposed to stand nearly 60 people stood.

Board Discussion:

**Sandy Reitz** moved to send this case to a committee and Jerry Wilkes seconded the motion.

**Mr. Stout** acknowledged that the community had made their opinions known and he sees no reason for it to go to committee. He added that he was born and raised in Hawkinstown.

**Brian Miller** felt that going to committee makes sense. What can be developed on the property under the current zoning could be more offensive to the neighbors than what could be agreed to under special use. His notes include the following positive options: the possible limit on the number of units developed (would be less than what could be developed now), single-story (would be less intrusive and consistent to the current neighborhood), a road connection to Woodfield could be eliminated, and site plan review could be a part of the committee process.

**Len Clark** agreed with Mr. Miller. If the Board declined this case the neighbors could see duplexes developed on this site.

**Valerie Stewart** stated that she lives in Woodfield and asked if she might have a conflict. Mr. Poole assured her that she has no conflict of interest.

**Mr. Smith** called for a vote on sending Z-9-04 to a committee. Albert Stout was opposed to sending it to committee and all others voted AYE. (8-1) Committee 3 was assigned to this case. (Jerry Wilkes (ch), Len Clark, Valerie Stewart, and Diane Young) The committee will meet on Monday, July 19 at 4:00 in the Council Chamber, located at 217 South Main Street.

Mr. Smith called for a motion to return Mr. Queen to the Board. Jerry Wilkes made the motion, Sandy Reitz seconded with all members voting AYE.

(b) **Co-Chairman Queen** convened a Courtesy Hearing on Z-10-04.

**Z-10-04** City of Salisbury

**Location:** Area currently zoned B-6 that is bounded by Liberty Street, N. Church Street and the railroad, and extending approximately one-half block east of N. Main Street (area shaded in blue on map).

**Size:** 22.6 acres consisting of 54 parcels

**From:** B-6 General Business

**To:** B-5 Central Business

**Janet Gapen** made a staff presentation and indicated the boundaries of the area to be rezoned. The M-1 property on North Church Street at the railroad tracks that was initially included has been eliminated from this potential rezoning. A Planning Board Committee made a study of this area for about five months. About fifty parcels are involved. Input came from Downtown Salisbury, Inc. and a number of property owners. The new zoning will allow (but not require) building out to the street.

#### Expected Outcomes

- No change to nonconforming uses
- Nonconforming signs may remain
- Greater flexibility in site design
- Buildable lot area increased
- More consistent streetscape over time
- Pedestrian character enhanced
- Business climate protected
- Framework for future growth downtown

Those speaking on the subject of the zoning change request:

**John (Jay) Dees**, Ketner and Associates, 121 E. Kerr Street, represented a property owner that owns two parcels at the NE corner of Church and Cemetery Streets, which is adjacent to the M-1 that was eliminated from the rezoning. He has concerns that some uses in B-6 that would be suitable for downtown would not be permitted in B-5. Examples would include a vet clinic, bicycle sales and repair, building supply/equipment sales, greenhouses, upholstery shop and some light manufacturing. He questions whether the rezoning is premature. It may be more appropriate to look at the mixed uses in the DMX district that appears to be part of the new Ordinance proposed for next year. He offered some alternatives for further discussion. He is in favor of anything that improves and supports downtown, but would be disappointed to lose some appropriate downtown uses by rezoning.

**Glenn Ketner**, Attorney and President of Rowan Investment Co., 121 E. Kerr Street, owns property affected by this proposal, as well as property adjacent that is not affected by the proposal. He appreciated the contact by the committee that studied this area.

He agrees with Mr. Dees that this proposal is premature and would like to receive more information about the proposed DMX zoning district being discussed under the new Land Development Ordinance.

**Lee Gillespie**, 321 N. Church Street, agrees that this change is too hasty. He identified areas of Church Street that have no sidewalks. He has been operating a light industrial business at this location since 1975 with no complaints. If he were to sell his business or property what uses would be allowed and appropriate for this location? A sale of his property may be hindered or the owner may experience a financial loss due to the B-5 rezoning.

### Board Discussion

**Brian Miller** highlighted the zoning report for Z-10-04. He cited a case from 1991 where property was rezoned from B-6 to B-5, another case in 1993, another in 1998, and yet another in 2000. Lastly, the Police Station is an example of rezoning from B-6 to B-5 in the last year. So this rezoning consideration has been in progression for about thirteen years. Design standards in the historic district (HD) overlay exist regardless of whether it is zoned B-6 or B-5. The setback requirements allow building up to the sidewalk but are not required; if a business wants a front lawn it may have one. The new land development ordinance will map the B-5 district as a downtown mixed-use district. The B-6 will be mapped to a corridor mixed-use district. It would not make sense to identify the 300 and 400 blocks of Church Street as a corridor. It is part of our downtown. The committee has taken an exhaustive look at the downtown area. There may be some additional uses that could be considered, but Mr. Miller sees no need to delay the rezoning.

**Harold Poole** said that the committee looked at alternative possibilities other than rezoning. There are some B-6 uses that are simply inappropriate for downtown.

**Jeff Smith** said it is always a possibility to overlook some of the potential uses when rezoning. The board can look at text amendments in the future. The committee did their best to prepare for the new land development ordinance.

**Len Clark** asked if there existed a matrix for the new ordinance. Joe Morris explained that the B-6 will translate as a corridor mixed-use; the corridor mixed-use is more automobile oriented. B-5 will be classified as DMX (Downtown mixed-use). **Janet Gopen** added that the new uses will be listed in broader categories. For example, retail will be based more on square footage and not named individually; retail will cover a wide range of business.

**Mr. Smith** made a motion to approve Z-10-04. Brian Miller seconded the motion with all members voting AYE.

## **GROUP DEVELOPMENT SITE PLAN**

- (a) **David Phillips** made the staff presentations for all of the group developments. The Planning Board does not make final decisions but sends their recommendations to City Council.

**G-09-04      Overton Elementary School  
1825 Park Road  
Tax Map 002-A, Parcel 001, Zoning B-1**

Mr. Kenny Chavis, for Overton Elementary School, submitted the application for the addition of one 14' x 56' mobile unit at the existing site at 1825 Park Road. All zoning criteria have been met. The Technical Review Committee (TRC) recommends approval of the application, as submitted.

**Public Comments:**

A representative for Overton Elementary School was available to answer any questions.

**Brian Miller** made a motion to approve G-09-04 as submitted. Albert Stout seconded the motion with all members voting AYE.

**G-01-00      First Bank  
1503 Old Concord Road  
Tax Map 060-A, Parcel 046  
Zoning M-1 w/GDA Overlay**

**Brian Miller** asked to be excused from the Board for this case due to a conflict of interest.

Mr. Alan Maness, of BBM Associates, Inc., submitted the application for the construction of 3,566 square foot commercial building and parking to be located at 1503 Old Concord Road. All zoning criteria have been met. The Technical Review Committee recommends the addition of a 5' sidewalk along Jake Alexander Boulevard. They are exceeding landscape requirements. The committee did not address sidewalks on Old Concord Road.

Public comments: Mr. Alan Maness was available to answer any questions.

**Jerry Wilkes** made a motion to approve G-01-00 with the recommendation of sidewalks on Jake Alexander Boulevard and Albert Stout seconded the motion.

**Len Clark** stated that the Board keeps requesting sidewalks. Unless the "pieces" of sidewalk begin to be installed, the City may never see sidewalks. It is important to begin installing sidewalks even if they do not connect at this time. For this reason he would like to see sidewalks installed on Old Concord Road, too.

**Jeff Smith** agreed with Mr. Clark and would like to see sidewalks on Old Concord Road as well.

**Reverend Wilkes** then amended the motion to include sidewalks on Old Concord Road. The amended motion was to approve G-01-00 with the recommendation of sidewalks on Jake Alexander Boulevard and Old Concord Road. Albert Stout seconded the motion with all members voting AYE.

Brian Miller then returned to the Board.

**G-10-04      Leatherman Business Park  
400 Block Jake Alexander Boulevard West  
Tax Map 061, Parcel 209  
Zoning B-1 w/GDA Overlay**

Mr. Butch Lewis, of Lewis & Lewis Builders, submitted the application for the construction of a 5,600 square foot commercial building and parking to be located in the 400 block of Jake Alexander Boulevard West. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as revised.

No public comment.

**Jeff Smith** made a motion to approve G-10-04 as revised. Brian Miller seconded the motion with all members voting AYE.

**G-05-94      Starbucks & Hollywood Video, Towne Creek Commons  
912 & 916 East Innes Street, Outparcel #7  
Tax Map 059 Parcel 128, Tax Map 016 Parcel 316-02  
Zoning B4, B7 G-EI Overlay**

Mr. Felix Egli, of AC & S Engineering Inc., submitted the application for the construction of a 7,800 square foot commercial building and parking to be located at 912 & 916 East Innes Street at Towne Creek Commons. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as revised/submitted.

This is the first development within the Gateway, East Innes Street Overlay. They had to meet more requirements than normal. Sidewalks are included. They exceed the landscape requirements.

**Jeff Smith** wanted to say that the outparcels in this area do not represent the connectivity in design he would like to see. Mr. Smith thinks that this plan is positive and what the Board intended to have. He made a motion to approve G-05-94. Jerry Wilkes seconded the motion with all members voting AYE.

**G-11-04      Rowan Savings Bank  
1938 Jake Alexander Boulevard West  
Tax Map 333, Parcels 009 & 009-1  
Zoning LOI w/GDA Overlay**

Mr. Dan Norman, of Ramsay, Burgin, Smith Architects, Inc., submitted the application for the construction of a 9,682 square foot office/bank and parking to be located at 1938 Jake Alexander Boulevard West. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as revised.

Public comments: none

Board discussion/decision

The extended island on the original drawing has been approved by NCDOT. Sidewalks are included along Jake Alexander Boulevard. New drawings will be required for City Council.

**Brian Miller** made a motion to approve G-11-04 with modifications (NCDOT requirements). **Albert Stout** seconded the motion with all members voting AYE.

**G-05-01      Manning Park 3, 4, 5  
1910 Jake Alexander Boulevard West  
Tax Map 333, Parcels 094, 018 & 017  
Zoning LOI-S w/GDA Overlay**

Mr. Jake Alexander, for A & H Investments, Inc., submitted the application for the construction of three office buildings containing 32,000 square feet and parking to be located at the existing site at 1910 Jake Alexander Boulevard West. All zoning criteria have been met. Staff is recommending the addition of sidewalks and a slight reduction in parking through the use of the “bonus landscaping” provision. The Technical Review Committee recommends approval of the application, with staff recommendations.

Public comments:

**Jake Alexander**, 8 Woodland Road, addressed the two staff recommendations. As developers they support the City’s concepts on sidewalks, but this one would be wasteful since it would be “a sidewalk to nowhere.” Instead, he encourages interior connectivity. The current plan leaves 1 ½ to 2 acres undeveloped (it has R-8 zoning). Also, he said the small parking area near Spring Drive is needed, with the 5 spaces per 1000 sq. ft. criterion insufficient for medical use.

**Len Clark** reiterated that he feels the sidewalks must be a part of all new development. **Sandy Reitz** agreed with Mr. Clark. **Brian Miller** supports the developer’s decision to keep the additional parking. He sees the addition of a sidewalk as inconsistent to the



previous phase of this development, and views it as a possible eyesore. There are issues relative to grade that would not be good for a sidewalk. Mr. Miller does agree with Mr. Clark that sidewalks should be required in new development; however, they were not required on the previous phase so it would be inconsistent to require it now.

**Jeff Smith** concurred on the issue of parking; with the campus design, there is no need to eliminate any spaces. He feels that he needs to be consistent by requesting sidewalks for this phase.

**Rodney Queen** recognizes that there are no sidewalks in the previous phase and this is an ongoing part of the parcel. He respects the fact that the developer is leaving a large area undeveloped for open space.

**Jerry Wilkes** made a motion to approve G-05-01 with the exception of deleting the sidewalk requirement as well as deleting the staff's request for the parking lot revision (to remain as submitted) Albert Stout seconded the motion.

**Len Clark** reminded the Board that they had just approved a sidewalk that comes toward the development. **Rodney Queen** said he felt that was different because it was coming to the Board new. **Jeff Smith** said he was still in support of sidewalks in the second phase.

**Brian Miller** asked to separate the two items for the voting process.

**Jake Alexander** stated that there was a big difference between residential sidewalks and commercial sidewalks.

**Co-chairman Queen** asked for a show of those in favor of approving G-05-01 without the sidewalk and leave the parking as submitted. The motion was defeated, 5-4.

**Jeff Smith** made a motion to approve G-05-01 with the addition of sidewalks and leave the parking as submitted by the developer. Diane Young seconded the motion. It was approved 5-4. (Diane Young, Len Clark, Rodney Queen, Jeff Smith, Sandy Reitz in favor; Jerry Wilkes, Valerie Stewart, Brian Miller, and Albert Stout voted against)

There was a motion approved to move past 6:00 p.m.

**G-12-04      Salisbury Village**  
**400 Block Jake Alexander Boulevard West**  
**Tax Map 061, Parcel 176**  
**Zoning B-7, BRT w/HD Overlay**

Mr. Dan Norman, of Ramsay, Burgin, Smith Architects, Inc., submitted the application for the subdivision of the property in the 400 block of Jake Alexander Boulevard into one primary parcel and seven out parcels.

**Lane Yates, 123 N. Main Street** (the developer), says this subdivision allows the development to get started. There's a need for flexibility. **George Noble**, 204 Swaim Ct, a Castlewood resident, spoke about the connectivity of the road within the development and to the Castlewood area. **Jay Dees**, 121 E. Kerr Street (an attorney), said neighbors are losing more and more control. He said this appears to be piecemeal development.

Planning Board co-chairman **Jeff Smith** said this is taking us down a questionable path by subdividing into all of these outparcels. He said he would like to see an entire concept plan. **Sandy Reitz** agreed with Jeff. She said there are legitimate concerns for the neighborhood and a need for a concept plan. **Brian Miller** said he wants to see connectivity—both sidewalks and roads. **Rodney Queen** said he is struggling with development vs. the Castlewood neighborhood, and doesn't want to see another Town Creek Commons.

**Jeff Smith** made a motion to deny G-12-04. Jerry Wilkes seconded the motion with all members voting in favor to deny 8-0. (Diane Young had excused herself from the meeting) **Brian Miller** said he is not opposed to a re-submittal with more framework.

**G-01-67      Ketner Center - ABC Addition**  
**1636 West Innes Street**  
**Tax Map 021, Parcel 068, Zoning BRT**

Mr. Glenn Ketner, Jr., for the Ketner Center, submitted the application for the previously approved, expired addition to the existing building at 1636 West Innes Street. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as submitted.

**Brian Miller** made a motion to approve as submitted. Sandy Reitz seconded the motion with all members present voting AYE. (8-0)

**G-13-04      Salisbury-Rowan Community Service Council, Inc.**  
**1106 West Monroe Street – Head Start**  
**Tax Map 008, Parcel 068**  
**Zoning B-1 & R-6**

Ms. Elizabeth P. Fields, for the Salisbury-Rowan Community Service Council, Inc. – Head Start, submitted the application for the installation of a temporary (3 years) 3,548 square foot modular unit at the existing location at 1106 West Monroe Street. All zoning criteria have been met. The Technical Review Committee (TRC) recommends approval of the application, as submitted.

**Jeff Smith** made a motion to approve as submitted. Albert Stout seconded the motion with all members present voting AYE. (8-0)

**PRELIMINARY PLAT SUBDIVISIONS****A. S-02-92 Forest Glen, phases 3, 4, & 5 – off NC-150 West**

The TRC recommended that the Planning Board grant an extension of approval for two (2) additional years, with relief from the following standards:

- a. Sidewalks are required on both sides of all new streets in the City's zoning jurisdiction. Forest Glen was approved with sidewalk on only one side to match previous construction. The developer has also installed a private greenway trail.
- b. The maximum distance allowed between intersections on new streets is 800 feet. Ardsley Way exceeds this distance, but the developer has added a bulb-out, with a planted median, as an alternative to an intersection.

**Planning Board Discussion/Decision**

With little discussion, Planning Board voted unanimously (8-0) to grant an additional two-year extension, with the two above recommendations from the TRC.

**B. S-11-96 Wendover Heights, Phase 3 – off Harrison Road**

The TRC recommended that the Planning Board grant an extension of approval for two (2) additional years, with relief from the following standards:

- a. Curb, gutter, and sidewalks are now required on both sides of all new streets in the City's zoning jurisdiction. When the original plans were approved, streets in the ETJ were built to NC-DOT standards, which do not require curb, gutter, or sidewalk. Phases 1 and 2 were constructed to NC-DOT standards and the only access to phase 3, now or in the future, will be through phases 1 and 2.
- b. The maximum distance allowed between intersections on new streets is 800 feet. One portion of Wendover Drive would be about 1350 feet long, but the road is identical to the alignment that was previously approved, and alternate street alignments would not necessarily be practical.

Adjacent property is zoned M-1, and staff recommends against making "stub" connections between residentially zoned and industrially zoned property. Authority to grant relief is provided in Section 5.05.2 of the Subdivision Ordinance, and the Planning Board has previously granted relief from this standard for similar circumstances (Oakview Commons, phase 3; Forest Glen, phase 4; Stone Ridge, phase 2).

- c. A planted median would now be required in the cul-de-sac on Wendover Drive. There is no Homeowner's Association to perform maintenance of the plantings and the three (3) existing cul-de-sacs were constructed without planted medians.

Planning Board Discussion/Decision

**Jeff Smith** made a motion to grant an additional two-year extension, with the two above recommendations from the TRC. **Sandy Reitz** seconded the motion with all members present voting AYE. (8-0)

FUTURE COMMITTEE MEETINGS

Monday, July 19, in the Council Chamber located at 217 S. Main Street there will be a committee meeting for Z-9-04.

OTHER BUSINESS

Jerry Wilkes would like to see every meeting begin with a prayer.

There being no further business to come before the Board, the meeting was adjourned.

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Co-Chairman, Jeff Smith

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Co-Chairman, Rodney Queen

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Secretary, Diana Moghrabi